



Entered on Docket  
February 12, 2010

A handwritten signature in black ink, appearing to read "Bruce A. Markell".

Hon. Bruce A. Markell  
United States Bankruptcy Judge

THE LAW OFFICES OF RANDOLPH H. GOLDBERG  
RANDOLPH H. GOLDBERG, ESQ.  
BAR NO. 5970  
4000 S. Eastern Avenue, Suite 200  
Las Vegas, NV 89119  
(702) 735-1500  
Fax: (702) 735-0505  
Attorney for Debtors

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

**DOMINICK LOMBARDI**

Debtor(s).

Chapter 13 Proceedings  
Case No.: BK-S-09-15904-BAM  
Trustee: Kathleen Leavitt

Date: 01/14/2010  
Time: 2:30 p.m.

**ORDER AVOIDING SECOND TRUST DEED**

**THIS MATTER** having come before the Court for a hearing on **JANUARY 14, 2010**, on Debtors' **MOTION TO VALUE COLLATERAL, "STRIP OFF" AND MODIFY RIGHTS OF LITTON LOAN SERVICING PURSUANT TO 11 U.S.C. §506(a) AND §1322**, and based upon the papers and pleadings on file herein, and good cause appearing; the Court finds as follows:

1. The Debtors' real property located at **473 DALGREEN PLACE, HENDERSON,**

1 NV 89012 (the "Subject Property") is valued at **\$180,000.00** as of the date of filing  
2 Debtors' Chapter 13 Petition.

3  
4 2. The Subject Property is collateral for **LITTON LOAN SERVICING 1<sup>st</sup>**  
5 **LIENHOLDER'S** senior secured claim (**ACCOUNT #4025556**) (**PROOF OF**  
6 **CLAIM NUMBER 4-1**) for the amount of **\$213,097.00**.

7  
8 3. On the filing date of the instant Chapter 13 Petition, **LITTON LOAN**  
9 **SERVICING 2<sup>nd</sup> LIENHOLDER'S** claim (**ACCOUNT #40255580**) (**PROOF**  
10 **OF CLAIM NUMBER 2-1**) was wholly unsecured.

11 **IT IS THEREFORE ORDERED THAT LITTON LOAN SERVICING 2<sup>ND</sup>**  
12 **LIENHOLDER'S** secured claim is "stripped off" and avoided pursuant to 11 U.S.C. §506(a);

13 **IT IS FURTHER ORDERED THAT LITTON LOAN SERVICING 2<sup>ND</sup>**  
14 **LIENHOLDER'S** secured rights and lien holder rights in the Subject Property are hereby  
15 terminated and **LITTON LOAN SERVICING 2<sup>ND</sup> LIENHOLDER** shall be paid as a general  
16 unsecured creditor through the Debtors' Chapter 13 plan;

17  
18 **IT IS FURTHER ORDERED THAT** in the event the instant Chapter 13 matter is  
19 converted to a Chapter 7 case, **this order will be void and without effect.**

20  
21 **IT IS FURTHER ORDERED THAT** in the event the instant Chapter 13 matter is  
22 dismissed for any reason, **LITTON LOAN SERVICING 2<sup>ND</sup> LIENHOLDER'S** claim shall be  
23 reinstated to its status as a secured claim on the Subject Property pursuant to 11 U.S.C. §349(b).

24  
25 **IT IS SO ORDERED.**

26  
27 DATED this 8<sup>TH</sup> day of **FEBRUARY, 2010**

28 THE LAW OFFICES OF

1 RANDOLPH H. GOLDBERG

2 By /S/ RANDOLPH GOLDBERG ESQ.

3 RANDOLPH H. GOLDBERG, ESQ.

4 4000 S. Eastern

5 Suite 200

6 Las Vegas, Nevada 89119

7 Attorney for Debtor

8 APPROVED AS TO FORM AND CONTENT

9  
10 CHAPTER 13 TRUSTEE

11   
12 ~~KATHLEEN LEAVITT, TRUSTEE~~

13 302 East Carson Ave., Suite 300

14 Las Vegas, NV 89101

1 **ALTERNATIVE METHOD re: RULE 9021:**

2 In accordance with Local Rule 9021, the undersigned  
3 certifies:

4  
5 \_\_\_\_\_ The court waived the requirements of LR 9021.

6 ☒ I have delivered a copy of this proposed order to all  
7 attorneys and unrepresented parties who  
8 appeared at the hearing regarding this matter  
and/or who filed a written Objection and each  
has:

9 ☒ approved the form of this order:  
10 \_\_\_\_\_ waived the right to review the order  
11 \_\_\_\_\_ and/or failed to file and serve papers  
in accordance with LR 9021®.

12 \_\_\_\_\_ I have delivered a copy of this proposed order to all  
13 Attorneys and unrepresented parties who appeared at the  
14 hearing regarding this matter and/or who filed a written  
15 objection and all have either approved the form of this  
16 order, waived the right to view the order, failed to file  
and serve papers in accordance with LR 9021® and the  
following have disapproved the form of the order:

17 \_\_\_\_\_ No opposition was filed to the motion and no  
18 other party or counsel appeared at the hearing.

19 I declare under penalty of perjury under the laws  
20 of The State of Nevada the foregoing is true and correct.

21  
22 /s/Maile C. Hansen/s/  
23 An Employee of  
24 THE LAW OFFICE OF  
RANDOLPH H. GOLDBERG

25  
26 ###